



# EDUCATION, HUMAN DEVELOPMENT AND SUSTAINABLE GROWTH

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## ABSTRACT

Human rights are some moral norms that each and every person in this world possesses merely because they are human being. These rights are regardless of who they are, where they come from, their ethnic origin, their status or their gender identity. They are applicable to every one of all ages and in every corner of this world. But in today's world, in all places there walks people who disregard these rights when it comes in terms of some people such as the LGBTQ community. In our society, people don't even regard them as human beings; hence, acknowledging their human rights is a distant dream. LGBTQ is the initialism for lesbian, gay, bisexual, transgender, and queer. This term is used as an umbrella term to label topics about sexuality and gender identity. The community includes anyone who is non-heterosexual. These communities celebrate pride, diversity, individuality, and sexuality. LGBTQ activist and sociologists view these communities as an opportunity to counterweigh heterosexism, homophobia, conformist pressures, etc. that exist in today's society. Even though people from LGBTQ community are equally eligible to human rights as we all are, they face problems in each and every phase of their lives starting from the very place that they call their "home" only for the mere fact that their sexual preferences differ from ours. From the moment they come out as someone with a different sexual preference, they are bullied in every way possible, which forces many people to live their entire life as someone who they are not. Today, there are many laws to protect the rights of the LGBTQ community. But the question is, are these people truly accepted by the society only because now there are laws to protect such people? The answer is no, cause even today their situation is not improved even the slightest. Through this paper it is being tried to discuss about "Human Rights and the LGBTQ Community" and if it's possible also to bring some awareness among people regarding this matter.

## 1. INTRODUCTION:

The Human Rights Commission (HRC) was established in the year 1946 in the United Nations, in order to make the international umbrella that could ensure our elementary rights and freedoms as a human being. At the beginning there were 53 states. With time it is expanded in order to look into wide range of problems in terms of human rights and also ensure the standards at which the states should act in regards to following and ensuring the safety of human rights. It also acted as a stage for everyone around the world to voice their concern. The United Nations Human Rights Committee is considered as the most important bodies protecting human rights in this world, but their activities with regards to the protection of the rights of homosexuals or the LGBTQ (Lesbian, Gay, Bisexual, Transgender and Queer) community people has not been extensively and systematically examined. Individuals in each and every part of this world face severe human rights violation because of their sexual preferences, identity and sexual orientation. In many countries individuals getting involved in any type of homosexual act could be punished with life imprisonment and even sentenced to death. Apart from this, LGBTQ people face different types of violence and also legally sanctioned discriminations on daily basis only due to the very reason of their sexual preferences. According to an examination performed by the HRC, General Comments and Views in individual communications, shows that while much progress is being made in aspects of providing better environment to the homosexuals, there is still room for improvements regarding various challenges faced by LGBTQ communities for the complete fulfillment of the norms of the International Covenant on Civil and Political Rights.

In most of the parts of this world, LGBTQ persons suffer severe abuses due to their sexual preferences and sexual orientation. These abuses normally start at the very place that they think of as a safe haven, their "home". From the moment they come out as lesbian, gay, bisexual or transgender, they are either treated as outcasted or they are forced to act as someone they are not. In many places they are even subjected to punishment by the law. For example, in Yemen, married persons can be sentenced to death by the court of law even only for having the desire to have sexual intercourse with a same sex person. Unmarried men could have their face whipped or even one year of imprisonment. Even women could get at least seven years of imprisonment for homosexual act. In Nigeria, homosexual action is punishable by the court of law, but at the same time many states have also adopted Sharia law that permits death sentence to homosexual men. According to a law, in many countries its illegal for homosexuals to hold any kind of meetings or form groups.

Through this paper it is being tried to systematically analyze the work of the Human Rights Committee in terms of what it has done till date to ensure the safety of sexual minorities, and see if there is anything it can do to protect the LGBTQ rights.

## 2. HUMAN RIGHTS:

Human rights are the rights that exist due to the simple fact that we are human beings. These are universal rights and each and every human being should enjoy them from the day they are born till they die. These rights are inherent to us all,

regardless of our nationality, where we are, our skin color, our language, our gender identity or any other status. They range from the most elementary ones, i.e., the right to life and with it accompanies the basic rights which makes one's life easier to lead, such as the right to shelter, food, clothes, the right to education, health, the right to liberty, etc.

The Universal Declaration of Human Rights (UDHR) was adopted in the year 1948 by the UN General Assembly. It is considered as the first ever legal document passed in order to protect fundamental rights of any human being on this planet. The UDHR, which turned 73 in 2021, is the foundation of all the human rights law in this world till date. The 30 articles engraved in the UDHR are the principles and building blocks of all the human rights related meetings, groups and agreements all over the world. The UDHR, together with two other covenants- the International Covenant for Civil and Political Rights, and the International Covenant for Economic, Social and Cultural Rights- make up the International Bill of Rights.

### 2.1. The Principles of the UDHR:

#### a) Universal and inalienable:

This is the principle which defines human rights to be universal and is the main stone of many international human rights law. The principle states that each and every human being born in this world are all destined to equally enjoy the human rights from the moment they are born till their death. This principle which has always been in spotlight in the UDHR has always been repeated in many international human rights meetings, agreements and decisions.

Human rights are inalienable. They should never be refused to anybody, unless in terms of any criminal offence or a state of national emergency, and it should be done while strictly following some given laws of the country. For instance, if a person is found guilty of a crime by the court of law, then his right to liberty is refrained.

#### b) Indivisible and interdependent:

All human rights are indivisible and interdependent. This principle states that a single human right could be fully enjoyed when accompanied with the other.

#### c) Equal and non-discriminatory:

"All human beings are born free and equal in dignity and rights.", this is what the very 1st Article of the UDHR states. And with that the 2nd Article gives the protection against any discrimination and ensures equality.

Discrimination free is one of the most important themes of all the human rights law around the world. This principle provides the base of many international human rights treaties.

#### d) Participation and inclusion:

Each and every person in this world has the right to enjoy, participate and

have meaningful contributions to various fields regardless of any discrimination. Everyone should be allowed active participation through which human rights and elementary freedoms can be ensured and felt.

#### e) Accountability and rule of law:

States and the public servants must follow the guidelines of the UDHR and work accordingly without any fail.

The conviction of human rights has always been very influential within the international law and global and regional institutions. It suggests that human rights must be enjoyed by each and every human being regardless of any differences. They are applicable everywhere and it is always universal.

### 3. LGBTQ COMMUNITY:

#### 3.1. Sexual Orientation:

Sexual orientation is one's tendencies of sexual, romantic or affectionate attraction towards another person. It can be differentiated using various aspects such as sexuality including biological sex, gender identity (the sense of being male or female in one's mind) and social gender role (the typical sense of duties for feminine and masculine behavior).

Sexual orientation can be determined along a range varying from absolute homosexuality to absolute heterosexuality and includes different bisexuality forms. Gay (only men) or as lesbian (only women) or bisexual (both men and women) are some of the forms of homosexual orientation in persons. Bisexuals are the people who can experience sexual, emotional attachments with both their own sex and also with the opposite sex. The LGBTQ also includes the transgenders.

Sexual orientation always refers to what one feels and it is a complete set of their own consciousness. It is completely different from sexual behavior as person may not show their sexual orientation in their behavior.

Sexual orientation is a very new topic in the field of human rights and it has also become a very important topic in case of politics. Discrimination, negative stereotypes and prejudices are already engraved in our culture and in the way we behave, so it's nothing new. For many public officials and opinion-makers the topic of homophobic prejudices is both legitimate and respectable in a matter that would be unacceptable for any other minority. The word "homosexual" is still avoided because of its negative connotations relating to the way it was used in the past.

The main principles which guide the way to attain rights regarding sexual orientation is based on equality and non-discrimination. The people fighting for the rights of the LGBTQ community and other activists seek to guarantee social justice and ensure the dignity of lesbians, gays and bisexuals.

#### 3.2. Rights of LGBTQ people:

The LGBTQ community people are not enabled to any exceptional rights. And though it is only ethical that homosexuals should be able to enjoy at least the rights enjoyed by the heterosexuals but they are often wronged- either by the law or practices- basic, civil, political, social and economic rights.

There are many violations those have been documented in all parts of the world. They are:

- In many countries homosexuals are turned down the equality in rights and before the law as those enjoyed by the heterosexuals, and it is very much allowed by the court of law in those countries. The law in many countries maintain a higher age of consent for same sex relations as compared to opposite sex relations.
- The right to be free from violence and any type of harassment and lead a discrimination free life is often declined to homosexuals by omitting sexual orientation in anti-discrimination laws, constitutional provisions or their enforcement.
- In many countries the right to life is denied by sentencing death penalty as a punishment for homosexual acts.
- The right to be free from any type of torture is transgressed upon by police practices, in investigations or in case of lesbians, gays and bisexuals in custody.
- Arbitrary arrest occurs in a number of countries with individuals suspected of having a homo/bisexual identity.
- The existence of 'sodomy laws' which is applicable to homosexuals denies the right to privacy, even if the relationship is established privately between mature adults and with their consent.
- The bi-national couples are denied the freedom to movement right by refusing to recognize their homosexual relation.
- o The judgmental attitude of the judges holding the trial of the homosexuals

results in them being denied of their right to have a fair trial.

- The right to express and associate freely may either be rebuffed or the lesbians, gays and bisexuals might not enjoy it due to the fact that they live in a homophobic environment.
- The right to religion is usually restricted in case of homosexuals, especially in case of churches which are strictly against homosexuality.
- The right to work is the most overwhelmed right in case of lesbians, gays and bisexuals. They suffer the most for their different sexual preference or discrimination in employment practices and policies.
- The right to social security, assistance and benefits, and from here- the standard of living- are grandiose for instance, when they come out as homosexuals or disclose the identity of their spouse.
- The right to physical and mental health is affected due to conflict with discriminatory policies and practices, some medical practitioners are homophobic, in addition to that lack the required training for health care personnel regarding sexual orientation issues.
- The right to form a family is restricted to homosexual people by government and also by the society by denying same sex families and by not allowing the rights that they will happily grant to any heterosexual individual who have not even sought any legal recognition, but still enjoy several rights. Children can also be discriminated and devoid of any kind of protection against separation from parents due to their parent's sexual preference. In most cases, homosexual couples and individuals are not allowed to adopt children, even if the child belongs to their same sex partner.
- The homosexuals are also refused the basic right to education due to the unhealthy environment created for them by their peers and educators in school who are homophobic.

#### 3.3. Discriminations against LGBTQ community during COVID-19:

- "Breaking the Silence" has become the main theme of this year, under the cloak of a pandemic that has adversely affected the lives and also the means of living all over the globe. COVID-19 has devastated the whole race and, in every nook, and corner of the world, it showed no mercy to any type of division established in this society and it exposed the faulty lines of inequality, disproportionation by even affecting those who are on the social and economic margins. The LGBTQ community people faced the most as they were recklessly accused of spreading the disease more than anyone because of the society's thinking about them.
- 19 homosexual people, in Uganda, who were homeless were made to spend two months in prison on mere charges of violating curfew regulations that were given during COVID-19, whereas the heterosexuals are treated in a far better way than this. The homosexuals were chased out of their own homes; hence they were homeless, and since they had nowhere else to go, the police decided their destiny, according to the police their crime was that they were living in the shelter.
- Viktor Orban from Hungary used the ongoing pandemic rule by order, and has introduced codification that would ban discrimination against transgender people by law.
- At the time when the access to health care was a global concern, LGBT people were still discriminated, treated as untouchables and chased away by health workers due to their personally homophobic feelings or government policy. Tanzania is an instance.
- LGBTQ people are often treated as a threat to all the vintage believes of our society. The hate comments and the discrimination became even worse during the pandemic, when the weaker sections and groups had to carry all the blames and get targeted. In Poland, local municipalities declared towns LGBT-free zones, spurred on by a government that has waged a sustained campaign against so-called "gender ideology". Under these circumstances even the rights of women being able to carry babies has also been threatened in addition to all the threats faced by the LGBTQ communities. In the midst of the ongoing pandemic the Polish government contemplated two bills which have proved to be harmful for LGBTQ community and even women.

#### 3.4. Some facts regarding the situation of homosexual people:

- In about 12 countries around the world homosexuals are subjected to be given death penalty
- In about 30 countries and provinces homosexuals are exposed to a discriminatory age of consent.
- Same sex relationship and sexual intercourse are considered illegal in more than 40 countries all over the world.

- The rights of being able to freely express and associate themselves in the society is denied to homosexual people in more than 15 countries and that too legally.
- Protection against prejudices and discriminations on the basis of sexual preferences is provided in about 30 countries.
- Recognition of some form in terms of same sex relationships is available in about 10 countries.

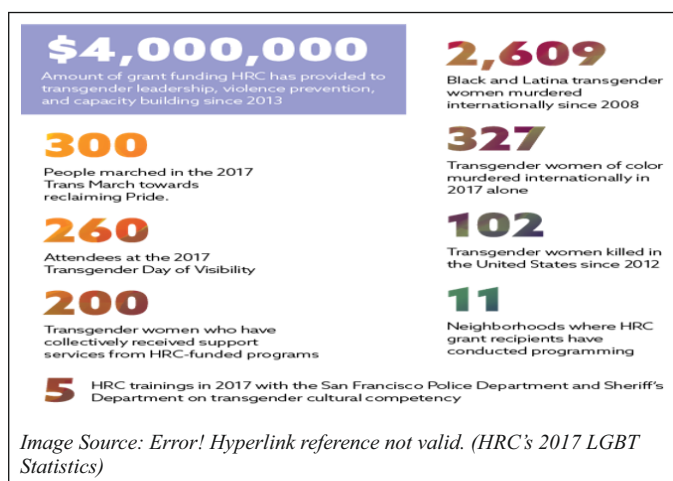
### 3.5. Historical dates in regards of LGBTQ community:

- 1867: Karl Heinrich Ulrichs, who was a self-proclaimed gay was the first person in history to speak publicly for gay rights.
- 1869: Karoly Maria Kertbeny for the first time used the term homosexuality ('Homosexualitat' in German) in printed form.
- 1897: The world's first organization-the Scientific-Humanitarian Committee which formed in Berlin Magnus Hirschfeld- was established to ending legal and social bigotry of homosexuals.
- 1969: After the setting of the sun on 27/28 of June the New York City held the Stonewall Rebellion, which turned out to be the backing point for the homosexual movement around the whole world.
- 1974: Edinburgh, Scotland was the first country to hold a conference in terms of gay rights internationally.
- 1981: The first country to legally approve same-sex relationships was Denmark.
- 1999: Treaty of Amsterdam became the first international treaty to emphatically brought up and also ensured the protection of homosexual people.

### 4. ACTIONS TAKEN IN REGARDS OF IMPROVING THE LIVES OF THE HOMOSEXUALS:

For a longtime homosexuality is seen as a mental condition and they are treated as a mentally ill person. Even in today's society some people still believe this notion to be true and treat homosexuals as unfit to stay in the same society as them. On May 17, 1990, WHO (World Health Organization), legally eradicated the mention of homosexuality from the list of mental illness. It also recognized homosexuality as one of the natural variants of sexuality. This recognition marks an annual celebration of diverse sexual orientation, known as the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT). Even after this significant change brought by WHO the alienation is still evident in the various forms of violations faced by the homosexuals around the world.

The Human Rights Commission deepened its commitment to San Francisco's LGBTQ community through vastly expanded funding and services in 2017. The ongoing need and urgency of the work is highlighted in numbers:



### • Leadership Development and Legal/ Support Services for Incarcerated and Formerly Incarcerated Transgender Persons:

The HRC have been working strongly with TGIJP which stands for Transgender, Gender Variant and Intersex Justice Project, so that they can help the imprisoned and formerly imprisoned transgender people. This partnership provides City funding for the upliftment of the LGBTQ community by providing opportunities regarding building leadership qualities, in-custody and re-entry support, and alliance making services. Based on trusted sources it has been observed that TGIJP has been successful in curving the leadership ability in the incarcerated transgenders and formerly incarcerated transgenders in terms of social justice and direct service delivery. Through a friendly substructure, the project has succeeded

to provide assistance from experienced people to the people who are at present being held imprisoned locally, in the whole state or nation-wide.

### • Anti-bullying Awareness Campaign:

The HRC is an active part of the Bay Area Anti-Bullying Coalition which works in order to create a healthy environment for everyone to co-exist and carry out their respective works together and with respect towards one another. The San Francisco Human Rights Commission is the in charge to overlook all the cases of bullying and also making it certain that they receive proper justice.

### • Transgender Coalition Building and Organizational Support Services:

The HRC has formed a collaboration with TAJA's Coalition which stands for Transgender Advocates for Justice and Accountability. This active collaboration has been established in order to provide alliance making services and also organizational support to LGBTQ communities across San Francisco. The coalition features active participation of more than 10 Bay area organizations seeking to ensure protection and work towards the eradication of violence and discrimination against homosexual people.

### • Transgender Safety and Wellness Services:

The communities of the LGBTQ till date faces various forms of hideous crimes, discriminations, harassments, suicide and even rapes. In addition to all these there is a wide range of blockades in case of attaining education, employment, housing and healthcare issues that make their lives much more difficult than the heterosexuals. But now the HRC with the help of the Asian and Pacific Islander Wellness Center has been addressing all the issues regarding the safety and wellness of the LGBTQ communities. This very project will look into mentorship and emerging guidance academy, and centralized teamwork in case of city-wide transgender empowerment events.

### • LGBT Advisory Committee:

In 1975 the Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) was established in order to provide any type of help required by the homosexuals and also advice in regards of various discriminations faced by them and also they are educating them regarding diverse range of issues that affect them and their whole community.

### 5. CONCLUSION:

The Human Rights Commission has come a long way in order to reach a point today where they are able to ensure the protection of the rights and lives of the homosexual people. But even after all the efforts we still live in such a society in which the LGBTQ communities are seen as outcasted. Today the fight of attaining the rights of the homosexuals have received the spotlight since other than the common people who have been fighting for a long time, many eminent figures have now joined hands to help and support this fight. But even after all these there still parts of this world where the light of knowledge is yet to reach. Even today there walks people who treat the homosexuals as waif. For instance, after a long fight for their rights the homosexuals were able to work their way up to mainstream of America, but still there is no law there to protect the LGBTQ people from being thrown out of their homes or from the work, from being discriminated in the educational institutions or medical health centers.

The past few decades marked the upliftment of the recognition of the rights of the homosexual people. This upliftment has taken place in various forms and one of those important forms is the political front. In the recent past few years politically, homosexuality has received a very good response as many have come forward to talk openly about it. And this sexual politics have become a protruding issue both in domestic front and also globally. Thus, slowly but surely homosexuals are starting to receive their deserved recognition in the global forums.

Although the society is becoming quite open-minded to the topic of homosexuals but there is still a long way to go when lesbians, gays, transgenders and queers will be able to lead a discrimination free and normal life like everyone else does. Human rights have provided a critical platform in which "rights are a necessary and irresponsible mode of expressions" (Correa et al., 2008: 153), where conditions are created, objectified but also destabilized and challenged. LGBT rights make evident the insufficiency and inability of human rights in many aspects of life and perhaps present the greatest challenge, whilst simultaneously being the fluid, protein and evolutionary nature of the framework.

This topic, "Human Rights and the LGBTQ Community" remind us to constantly introspect, challenge the existing believes, recreate some new rules in order to help the needy and always be self-aware in order to constantly convert and modify the meanings of human rights, LGBTQ rights and its usual terms and conditions and the exclusions that lie between.

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